

**Executive Summary – Enforcement Matter – Case No. 50585**  
**WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.**  
**RN102157609**  
**Docket No. 2015-0797-IWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

WestRock Texas, located at 1913 Farm-to-Market 105 Road, approximately one mile south of Farm-to-Market Road 2246 and one mile southeast of Evadale, Jasper County

**Type of Operation:**

Pulp and paper mill

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$216,675

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$216,675

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50585  
WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.  
RN102157609  
Docket No. 2015-0797-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** April 28, 2015  
**Date(s) of NOE(s):** May 13, 2015

***Violation Information***

Failed to comply with permitted effluent limitations for *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 365 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000493000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50585**  
**WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.**  
**RN102157609**  
**Docket No. 2015-0797-IWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** James H. Gresham, Jr., General Manager, WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P., 504 Thrasher Street, Norcross, Georgia 30071  
Robert B. McIntosh, Executive Vice President, General Counsel & Secretary, WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P., 504 Thrasher Street, Norcross, Georgia 30071

**Respondent's Attorney:** N/A





Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	18-May-2015	<b>Screening</b>	20-May-2015	<b>EPA Due</b>	
	<b>PCW</b>	19-Feb-2016				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.		
<b>Reg. Ent. Ref. No.</b>	RN102157609		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50585	<b>No. of Violations</b>	3	
<b>Docket No.</b>	2015-0797-IWD-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jill Russell	
		<b>EC's Team</b>	Enforcement Team 3	
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$133,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	62.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$82,925
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<b>Notes</b>	Enhancement for eight months of self-reported effluent violations, one dissimilar NOV and one agreed order with denial of liability.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$14,997
Estimated Cost of Compliance	\$107,225

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$216,675
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$216,675
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$216,675
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$216,675
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Screening Date 20-May-2015

Docket No. 2015-0797-IWD-E

PCW

Respondent WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 50585

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	8	40%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 62%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for eight months of self-reported effluent violations, one dissimilar NOV and one agreed order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 62%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 62%

Screening Date 20-May-2015

Docket No. 2015-0797-IWD-E

PCW

Respondent WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 50585

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 28, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

## Violation Events

Number of Violation Events 4

122 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$100,000

Four monthly events are recommended for the months of June, July, September, and October 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$14,997

Violation Final Penalty Total \$162,000

This violation Final Assessed Penalty (adjusted for limits) \$162,000

## Economic Benefit Worksheet

**Respondent** WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.  
**Case ID No.** 50585  
**Reg. Ent. Reference No.** RN102157609  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$97,225	31-May-2014	17-Mar-2017	2.80	\$13,598	n/a	\$13,598
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-May-2014	17-Mar-2017	2.80	\$1,399	n/a	\$1,399

Notes for DELAYED costs

Training/sampling delayed cost is the estimated cost to perform corrective actions, including extensive site sampling, daily inspection of sanitary sumps, pump tests, installed alarms, and contracted DNA sequencing and bacterial analyses toward determining the specific causes of noncompliance. Other delayed cost is the estimated cost for any corrective actions, necessary repairs and/or adjustments to the Facility in order to achieve compliance with the effluent limitations. Dates Required are the initial date of noncompliance. Final Dates are the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$107,225

**TOTAL**

\$14,997



Screening Date 20-May-2015

Docket No. 2015-0797-IWD-E

PCW

Respondent WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 50585

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 28, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 4

123 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$30,000

Four monthly events are recommended for the months of May, November, and December 2014; and January 2015.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$48,600

This violation Final Assessed Penalty (adjusted for limits) \$48,600

# Economic Benefit Worksheet

**Respondent** WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

**Case ID No.** 50585

**Reg. Ent. Reference No.** RN102157609

**Media** Water Quality

**Violation No.** 2

**Percent Interest**

5.0

**Years of Depreciation**

15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Delayed Costs are captured in the Economic Benefit Worksheet for Violation No. 1.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$0

**TOTAL**

\$0

Screening Date 20-May-2015

Docket No. 2015-0797-IWD-E

PCW

Respondent WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 50585

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 28, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of March 2015.

## Good Faith Efforts to Comply

0.0%

Reduction

\$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,075

This violation Final Assessed Penalty (adjusted for limits) \$6,075

# Economic Benefit Worksheet

**Respondent** WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P.

**Case ID No.** 50585

**Reg. Ent. Reference No.** RN102157609

**Media** Water Quality

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed Costs are captured in the Economic Benefit Worksheet for Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

**WestRock Texas, L.P.**  
**Docket No. 2015-0797-IWD-E**  
**TPDES Permit No. WQ0000493000**

**Effluent Parameter Violation Table**  
**Outfall No. 002**

<b>Month/Year</b>	<b><i>Escherichia coli</i></b>	
	<b>Daily Average Concentration</b>	<b>Daily Maximum Concentration</b>
	<b>Limit = 126 CFU/100 mL</b>	<b>Limit = 399 CFU/100 mL</b>
May 2014	1,926	1,926
June 2014	>4,480	8,160
July 2014	10,500	10,500
September 2014	13,500	13,500
October 2014	>4,840	>4,840
November 2014	>2,420	>2,420
December 2014	>2,420	>2,420
January 2015	1,826	4,610
March 2015	249	411

CFU/100 mL = colony-forming units per 100 milliliters





# Compliance History Report

**PUBLISHED** Compliance History Report for CN601549496, RN102157609, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN601549496, WestRock Texas, L.P. **Classification:** SATISFACTORY **Rating:** 4.21

**Regulated Entity:** RN102157609, WestRock Texas **Classification:** SATISFACTORY **Rating:** 3.83

**Complexity Points:** 27 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 1913 Farm-to-Market 105 Road, approximately one mile south of Farm-to-Market 2246 Road and one mile southeast of the Town of Evadale in Jasper County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JC0003K  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD000821223  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1210050  
**WASTEWATER** EPA ID TX0003891

**AIR OPERATING PERMITS** PERMIT 1265  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30261  
**WASTEWATER** PERMIT WQ0000493000

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 24829  
**AIR NEW SOURCE PERMITS** REGISTRATION 8738  
**AIR NEW SOURCE PERMITS** REGISTRATION 33941  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JC0003K  
**AIR NEW SOURCE PERMITS** REGISTRATION 70229  
**AIR NEW SOURCE PERMITS** AFS NUM 4824100001  
**AIR NEW SOURCE PERMITS** REGISTRATION 50799  
**AIR NEW SOURCE PERMITS** REGISTRATION 50801  
**AIR NEW SOURCE PERMITS** REGISTRATION 50803  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX785M7  
**AIR NEW SOURCE PERMITS** REGISTRATION 86620  
**AIR NEW SOURCE PERMITS** REGISTRATION 110883  
**AIR NEW SOURCE PERMITS** REGISTRATION 107378  
**AIR NEW SOURCE PERMITS** REGISTRATION 110853  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00675

**AIR NEW SOURCE PERMITS** PERMIT 7255  
**AIR NEW SOURCE PERMITS** PERMIT 20365  
**AIR NEW SOURCE PERMITS** REGISTRATION 49029  
**AIR NEW SOURCE PERMITS** REGISTRATION 70534  
**AIR NEW SOURCE PERMITS** REGISTRATION 70297  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX785M5  
**AIR NEW SOURCE PERMITS** REGISTRATION 50800  
**AIR NEW SOURCE PERMITS** REGISTRATION 50802  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX785M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX785M6  
**AIR NEW SOURCE PERMITS** REGISTRATION 110879  
**AIR NEW SOURCE PERMITS** REGISTRATION 110895  
**AIR NEW SOURCE PERMITS** REGISTRATION 110886  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JC0003K

**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** February 10, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 10, 2011 to February 10, 2016

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Jill Russell

**Phone:** (512) 239-4564

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 05/25/2012 ADMINORDER 2011-1402-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.1  
Rqmt Prov: Monitoring & Reporting Req. No. 1 PERMIT  
Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	March 14, 2011	(916316)	Item 33	November 16, 2012	(1078907)
Item 2	March 22, 2011	(902175)	Item 34	December 17, 2012	(1060780)
Item 3	April 26, 2011	(907819)	Item 35	December 27, 2012	(1049735)
Item 4	April 28, 2011	(901323)	Item 36	February 05, 2013	(1051672)
Item 5	May 11, 2011	(937996)	Item 37	February 18, 2013	(1078906)
Item 6	May 12, 2011	(907023)	Item 38	March 12, 2013	(1089277)
Item 7	June 15, 2011	(945320)	Item 39	May 10, 2013	(1106596)
Item 8	July 18, 2011	(952594)	Item 40	May 17, 2013	(1135242)
Item 9	July 22, 2011	(901668)	Item 41	June 07, 2013	(1110272)
Item 10	August 15, 2011	(959276)	Item 42	August 07, 2013	(1124911)
Item 11	August 22, 2011	(942862)	Item 43	August 21, 2013	(1114030)
Item 12	September 19, 2011	(965308)	Item 44	August 27, 2013	(1115587)
Item 13	October 10, 2011	(971348)	Item 45	August 28, 2013	(1115653)
Item 14	November 09, 2011	(963606)	Item 46	September 05, 2013	(1129512)
Item 15	November 10, 2011	(977508)	Item 47	September 17, 2013	(1115371)
Item 16	December 21, 2011	(974192)	Item 48	October 07, 2013	(1113392)
Item 17	January 10, 2012	(990576)	Item 49	December 30, 2013	(1174282)
Item 18	January 11, 2012	(963651)	Item 50	January 15, 2014	(1153169)
Item 19	January 19, 2012	(977291)	Item 51	February 06, 2014	(1160504)
Item 20	February 08, 2012	(997937)	Item 52	April 01, 2014	(1151786)
Item 21	March 12, 2012	(1003460)	Item 53	April 07, 2014	(1158196)
Item 22	March 26, 2012	(970188)	Item 54	May 08, 2014	(1180470)
Item 23	April 12, 2012	(1010024)	Item 55	July 22, 2014	(1171761)
Item 24	May 14, 2012	(1016419)	Item 56	July 23, 2014	(1171652)
Item 25	May 30, 2012	(1008002)	Item 57	September 08, 2014	(1205773)
Item 26	June 08, 2012	(1024139)	Item 58	February 20, 2015	(1228375)
Item 27	July 10, 2012	(1031535)	Item 59	March 13, 2015	(1248582)
Item 28	August 07, 2012	(1021856)	Item 60	March 17, 2015	(1229868)
Item 29	September 17, 2012	(1046638)	Item 61	March 18, 2015	(1229869)
Item 30	October 08, 2012	(1035318)	Item 62	July 09, 2015	(1259953)
Item 31	October 16, 2012	(1060778)	Item 63	August 13, 2015	(1283084)
Item 32	November 14, 2012	(1036024)			



**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |                                                                                                                                                                                                                        |                          |  |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--|
| 1 | Date: 03/31/2015 (1255482)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 2 | Date: 04/30/2015 (1262192)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 3 | Date: 05/31/2015 (1269361)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 4 | Date: 06/30/2015 (1276907)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 5 | Date: 08/18/2015 (1265926)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? NO                                                                                                                                                                                                        | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 14(A) PERMIT<br>Special Condition 2 PERMIT |                          |  |
|   | Description: Failure to submit the RATA report for Power Boiler 5 CEMS in a timely manner.                                                                                                                             |                          |  |
| 6 | Date: 08/31/2015 (1290224)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 7 | Date: 09/30/2015 (1296427)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 8 | Date: 10/31/2015 (1301880)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |
| 9 | Date: 11/30/2015 (1308808)                                                                                                                                                                                             | CN601549496              |  |
|   | Self Report? YES                                                                                                                                                                                                       | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                                     |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter                                                                                                                                                |                          |  |

**F. Environmental audits:****G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**  
N/A

**I. Participation in a voluntary pollution reduction program:**  
N/A

**J. Early compliance:**  
N/A

**Sites Outside of Texas:**  
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WESTROCK TEXAS, L.P. F/K/A  
MEADWESTVACO TEXAS, L.P.  
RN102157609

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2015-0797-IWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a pulp and paper mill located at 1913 Farm-to-Market 105 Road, approximately one mile south of Farm-to-Market 2246 Road and one mile southeast of the Town of Evadale in Jasper County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on April 28, 2015, TCEQ staff documented the following monthly effluent violations:

Effluent Parameter Violation Table		
Outfall No. 002		
Month/Year	<i>Escherichia coli</i>	
	Daily Average Concentration	Daily Maximum Concentration
	Limit = 126 CFU/100 mL	Limit = 399 CFU/100 mL
May 2014	1,926	1,926
June 2014	>4,480	8,160
July 2014	10,500	10,500
September 2014	13,500	13,500
October 2014	>4,840	>4,840
November 2014	>2,420	>2,420
December 2014	>2,420	>2,420
January 2015	1,826	4,610
March 2015	249	411

CFU/100 mL = colony-forming units per 100 milliliters

4. The Respondent received notice of the violations on or about May 18, 2015.

5. The Executive Director recognizes that by June 1, 2015, the Respondent performed extensive site sampling, daily inspection of sanitary sumps, pump tests, installed alarms, and contracted DNA sequencing and bacterial analyses toward determining the specific causes of noncompliance.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Two Hundred Sixteen Thousand Six Hundred Seventy-Five Dollars (\$216,675) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Two Hundred Sixteen Thousand Six Hundred Seventy-Five Dollars (\$216,675) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Hundred Sixteen Thousand Six Hundred Seventy-Five Dollars (\$216,675) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P., Docket No. 2015-0797-IWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that, within 365 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000493000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



6/9/16

For the Executive Director

Date

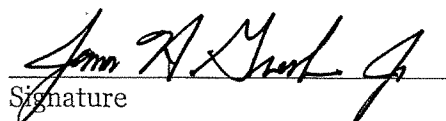
I, the undersigned, have read and understand the attached Agreed Order in the matter of WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3/30/16  
Date

JAMES H GRESHAM JR  
Name (Printed or typed)  
Authorized Representative of  
WestRock Texas, L.P. f/k/a  
MeadWestvaco Texas, L.P.

General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.